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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/632,036  | 08/03/2000  | Pravin T.P. Kaumaya  | 18525-04011         | 9722             |
| 24024   | 7590        | 08/17/2004           | EXAMINER            |                  |
| CALFEE HALTER & GRISWOLD, LLP<br>800 SUPERIOR AVENUE<br>SUITE 1400<br>CLEVELAND, OH 44114 |             |                      | RAWLINGS, STEPHEN L |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1642                |                  |

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/632,036

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| EXAMINER |
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| ART UNIT | PAPER |
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1642

20040812

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Commissioner for Patents

SAI-  
**Examiner-Initiated Interview Summary**

**Application No.**

09/632,036

**Applicant(s)**

KAUMAYA ET AL.

**Examiner**

Stephen L. Rawlings, Ph.D.

**Art Unit**

1642

**All Participants:**

(1) Stephen L. Rawlings, Ph.D.

(2) Pamela A. Docherty

**Status of Application:** \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Date of Interview:** 12 August 2004

**Time:** 9:35 AM

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

Claims discussed:

1, 3-9, 11-20, and 31

Prior art documents discussed:

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner telephoned Ms. Docherty to explain that the response to the restriction requirement filed June 7, 2004 is not fully responsive because Applicant has elected more than one invention. The Examiner explained that all of the claims will be examined only to the extent that the claims read on a single elected invention; claims reading on a non-elected invention are to be withdrawn from consideration. The restriction set forth by the Office action mailed August 6, 2003 requires Applicant to elect a single invention by identifying one or more B cell epitopes to which all of the claims will be drawn. If Applicant were to identify only a single B cell epitope (e.g., SEQ ID NO: 6), then claim 6, for example, which is drawn to a composition comprising two or more B cell epitopes, would be withdrawn from consideration, and claim 1, for example, would be examined only to the extent that the claim reads on a composition comprising the single identified B cell epitope. The Examiner further explained that the claims of Group I, as set forth in the restriction, should have been restricted into two groups: Claims 1, 3-8, and 31, drawn to a composition comprising a B cell epitope, and claims 9 and 11-20, drawn to a composition comprising a CTL epitope. The Examiner had grouped these sets of claims, because it was thought that there were claims drawn to a composition comprising both one or more B cell epitopes and one or more CTL epitopes. Because the claims are drawn to a composition comprising either B cell epitopes or CTL epitopes, and not both, the requirement to elect one or more B cell epitope and/or one or more CTL epitopes set forth in the restriction is improper. Accordingly, in order to advance prosecution, it was agreed that a new or supplemental restriction will be set forth in a subsequent Office action on the merits of the claims and that Applicant provisionally elects with traverse the invention of group I, claims 1, 3-8, and 31, drawn to a composition comprising the B cell epitopes of SEQ ID NO: 6 and SEQ ID NO: 42. In addition, Applicant provisionally elects the species of invention, wherein the Th epitope is SEQ ID NO: 17. Claims 1 and 3-8 read on the elected invention; claim 31, drawn to a composition comprising the B cell epitopes of SEQ ID NO: 6, SEQ ID NO: 42, and SEQ ID NO: 9 will be withdrawn from consideration, as being drawn to a non-elected invention...